**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**CIVIL APPELLATE SIDE**

FIRST APPEAL NO. 106 OF 1991
WITH
CIVIL APPLICATION NO. 3111 OF 2004

Shri. Balaram Nathu Mhatre ...Appellant

Vs.

The State of Maharashtra ...Respondent

Ms. Seema Sarnaik for Appellant.

Mr. K.K. Tated, A.G.P. for State.

CORAM : F.I. REBELLO &
ANOOP V. MOHTA,JJ.
DATED : SEPTEMBER 03, 2004
P.C. :

1. Appeal along with Civil Application are being disposed of by this common order.

2. Notification under Section 4 was published on 3.2.1970. The award in respect of the suit land was made on 18.05.1986. The possession of the land was taken after the award. The acquired land is situated within 500 mtrs. from the Poona Bombay Highway.

3. Considering the judgement passed in First Appeal No. 757 of 2003 with Civil Application No.

514 of 2003 and First Appeal No. 1782/02 along with Civil Application No. 1078 of 2004, the market value of the land is fixed at Rs.25/- per sq. mtr. Consequently they are entitled to all consequential benefits.

4. Considering that the award under Section 11 was made after 28.4.1982, the claimant will be entitled to compensation Under Section 23(1A) of the Act.

5. In the light of the above, the following order :

. First appeal is allowed.

. Civil Application disposed of accordingly.

(F.I. REBELLO,J.)

(ANOOP V. MOHTA,J.)